IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 502 OF 2007
(For leave to Appeal)
IN
CRIMINAL APPEAL NO. OF 2007

The State of Maharashtra .. Applicant.
(Org.Complainant)

V/s.

Vinod Pandurang Jadhav & Anr. .. Respondents.

Mrs. U.V.Kejariwal, APP for the Applicant- State.

Mr.Sandeep Y. Katkade for the Respondent.

CORAM : SRI R.M.S.KHANDEPARKAR &
SRI A.A. SAYED, JJ.

DATED : 07TH DECEMBER, 2007.

P.C. :-

. Heard Advocates for the parties.

2. Without analysing the evidence on record as to whether the motive to assault deceased Nitin Raut was to cause his death or not, the learned sessions Judge having refused to convict the respondents under section 302 of IPC on the assumption that there was no motive in assaulting Nitin Raut, a prima facie case is made out for grant of leave to Appeal. Accordingly, leave to appeal is granted. Action under section 390 of Cr.P.C. to follow against the respondents.

(A.A.SAYED,J) (R.M.S.KHANDEPARKAR,J.)